

**REMARKS**

Claims 1-19 are all the claims pending in the present application. Applicants thank the Examiner for indicating that claims 3, 4 and 19 are allowed, and that claims 11, 12 and 14 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 1, 2, 6, 8, 17 and 18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor (U.S. Appln. Pub. No. 2002/0087522) in view of Hirota (U.S. Patent No. 5,568,390). Claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor in view of Hirota, and further in view of Solomon (U.S. Patent No. 6,847,935). Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor in view of Hirota, and further in view of Blumberg et al (U.S. Patent No. 6,496,776). Claims 9, 10 and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor in view of Hirota, and further in view of Goldband (U.S. Pat. Appln. Pub. No. 2001/0018673). Claim 13 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor in view of Hirota, and further in view of Official Notice. Finally, claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over MacGregor in view of Hirota, and further in view of Razumov (U.S. Patent Appln. Pub. No. 2002/0016747).

**§103(a) Rejections (MacGregor/Hirota) - Claims 1, 2, 6, 8, 17 and 18**

The Examiner rejects claims 1, 2, 6, 8, 17 and 18 over MacGregor and Hirota for the reasons set forth on pages 2-4 of the present Office Action. Applicants traverse these rejections at least based on the following reasons.

With respect to independent claim 1, the Examiner alleges that MacGregor teaches substantially all of the limitations of the present invention, as recited in claim 1, but the Examiner acknowledges that MacGregor fails to disclose the claimed “means for guiding routes to destinations that purchasers set optionally,” as recited in claim 1. The Examiner, however, alleges that Hirota makes up for this particular deficiency of MacGregor. In response, contrary to the Examiner’s assertions, Applicants submit that neither MacGregor nor Hirota teaches or suggests at least, “means for calculating costs  $C_2$  necessary for movements to the destinations via the listed stores respectively” and “priority setting means for calculating priority level judging parameters  $P$  from sums of the costs  $C_2$  and prices of the goods...,” as recited in claim 1. That is, even if, *arguendo*, MacGregor teaches priority setting means for calculating priority level judging parameters  $P$  based on the prices of the goods (as the Examiner alleges), MacGregor does not teach or suggest the specific language of priority setting means for calculating priority level judging parameters  $P$  from sums of the costs  $C_2$  and prices of the goods, as recited in claim 1. Specifically, there is no mention of the summing of prices plus costs in MacGregor. Therefore, at least because MacGregor teach or suggest the above quoted features of the present invention, as recited in claim 1, Applicants submit that independent claim 1 is patentably distinguishable over MacGregor and Hirota, either alone or in combination.

Applicants submit that dependent claims 6 and 8 are patentable at least by virtue of their dependencies from independent claim 1.

With respect to independent claim 2, the Examiner does not even address the specific limitations set forth above in this claim, and, further, there is no such mention of calculating priority level judging paragraphs  $P$  from the predicted values of required times  $T_2$ , as set forth in

claim 2. Therefore, at least based on the foregoing, Applicants submit that neither MacGregor nor Hirota teaches or suggests each and every limitation set forth in claim 2.

With respect to independent claim 17 and 18, Applicants submit that these claims are patentable at least for reasons similar to those set forth above with respect to claims 1 and 2.

*§103(a) Rejection (MacGregor/Hirota/Solomon) - Claim 5*

Applicants submit that dependent claim 5 is patentable at least by virtue of its dependency from independent claim 1. Solomon does not make up for the deficiencies of MacGregor and Hirota.

*§103(a) Rejection (MacGregor/Hirota/Blumberg) - Claim 7*

Applicants submit that dependent claim 7 is patentable at least by virtue of its dependency from independent claim 1. Blumberg does not make up for the deficiencies of MacGregor and Hirota.

*§103(a) Rejection (MacGregor/Hirota/Goldband) - Claims 9, 10 and 16*

Claims 9, 10 and 16 are rejected for the reason set forth on page 5 of the Office Action.

First, Applicants submit that dependent claims 9, 10 and 16 are patentable at least by virtue of their indirect dependencies from independent claim 1. Goldband does make up for the deficiencies of MacGregor and Hirota.

Further, with respect to dependent claims 9 and 10, even if, *arguendo*, Goldband teaches the use of a limited time offer (as the Examiner alleges), the Examiner does not discuss and Goldband does not teach the specific limitations set forth in each of claims 9 and 10. Therefore, Applicants submit that the specific limitations set forth in these claims are not met by any of the applied references, including Goldband.

Yet further, nowhere do any of the applied references, either alone or in combination, teach or suggest the specific limitation set forth in claim 15, from which claim 16 depends. The Examiner does not even mention the limitations set forth in dependent claim 15. At least based on the foregoing, Applicants maintain that claim 16, which depends from claim 15, is patentably distinguishable over the applied references, either alone or in combination.

**§103(a) Rejection (MacGregor/Hirota/Official Notice) - Claim 13**

The Examiner rejects claim 13 for the reasons set forth at the top of page 6 of the present Office Action. In summary, the Examiner takes official notice that it is old and well known to save new information over old information, wherein old information is deleted.

First, Applicants submit that dependent claim 13 is patentable at least by virtue of its indirect dependency from independent claim 1.

Further, Applicants submit that the Examiner has made extremely liberal use of the concept of “Official Notice”; as the Examiner is no doubt aware, it is impermissible to rely upon Official Notice at a point of novelty in the claimed invention. Accordingly, pursuant to MPEP § 2144.03, Applicants respectfully request that the Examiner cite references that support the Examiner’s arguments in this regard.

Yet further, even if, *arguendo*, it is old and well known to save new information over old information, wherein old information is deleted (as the Examiner alleges), it does not necessarily follow that a “store information storage means” would comprise the claimed “means for deleting”, as set forth in claim 13.

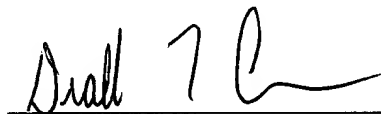
§103(a) Rejection (MacGregor/Hirota/Razumov) - Claim 15

Applicants submit that dependent claim 15 is patentable at least by virtue of its dependency from independent claim 1. Razumov does not make up for the deficiencies of MacGregor and Hirota.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: May 20, 2005